

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL LATOURETTE,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

CASE NO. C12-564 BHS

ORDER GRANTING
DEFENDANTS' MOTION FOR
LEAVE TO ARGUE DEFENSE
OF QUALIFIED IMMUNITY

This matter comes before the Court on Defendants Clallam Bay Corrections Center, Joseph Daracunas, Ron Fraker, Amber Miller, Richardson, Riddle, Eldon Vail, Bernie Warner, and Washington Department of Corrections' ("Defendants") motion for leave to argue defense of qualified immunity (Dkt. 138).

On November 6, 2014, Defendants filed the instant motion requesting leave to file a dispositive motion on the issue of qualified immunity. *Id.* The motion for leave is necessary because the dispositive motion deadline has passed and Defendants failed to raise the issue in their dispositive motion. *Id.* On November 17, 2014, Plaintiff Michael

1 Latourette (“Latourette”) responded arguing that Defendants have failed to show good
2 cause for any extension. Dkt. 141. On November 20, 2014, Defendants replied. Dkt.
3 142.

4 In this case, there is good cause to allow Defendants to file one additional
5 dispositive motion on the defense of qualified immunity. It is in everyone’s interest to
6 either narrow the issues for trial or identify the relevant questions of fact for trial.
7 Considering the defense of qualified immunity in a dispositive motion would most likely
8 achieve this goal. Moreover, this case has a unique procedural posture and there is a
9 pending stipulated motion for additional discovery deadlines and a trial date almost six
10 months from now. As such, Latourette will not be prejudiced if Defendants are allowed
11 to file an additional dispositive motion. Therefore, the Court **GRANTS** Defendants’
12 motion for leave (Dkt. 138) and Defendants may file a motion for summary judgment on
13 the issue of qualified immunity no later than March 26, 2014.

14 **IT IS SO ORDERED.**

15 Dated this 31st day of December, 2014.

16
17 

18 BENJAMIN H. SETTLE
United States District Judge